Permit No.: SD0022918

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Surface Water Discharge Permit
Authorizing Discharge
Under The South Dakota Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD), Article 74:52,

the City of Hot Springs

is directed by the South Dakota Department of Environment and Natural Resources to have **no discharge** from its facility located on the southeast side of the city on the 1200 Block of South 4th St. in the Southeast ¼ of the Southeast ¼ of Section 24, Township 7 South, Range 5 East, in Fall River County, South Dakota (Latitude 43.420047°, Longitude -103.461835°), in accordance with the requirements as contained in the provisions of this permit. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective [DATE].

This permit and the authorization to discharge shall expire at midnight, [EXPIRATION DATE].

DRAFT

Signed this day of ,

_____

Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

TABLE OF CONTENTS

1.0 DEFINITIONS

"30-day (and monthly) Average" means the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

"7-day (and weekly) Average" means the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week that begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

"Acute Toxicity" occurs when 50 percent or more mortality is observed for either species at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

The "**Approval Authority"** is the Secretary of the South Dakota Department of Environment and Natural Resources.

"ARSD" means the Administrative Rules of South Dakota.

An **"Authorized Release"** is a discharge from a permitted outfall that meets all permit conditions and effluent limits.

"Biosolids" means any sewage sludge or material derived from sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.

"BOD_5" means Five-Day Biochemical Oxygen Demand. BOD is a measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a sample.

A **"Bypass"** is the intentional diversion of waste streams from any portion of a collection system or treatment facility other than the permitted outfall(s). Bypasses do not include releases from the sanitary sewer collection system (see **"Sanitary Sewer Overflow"**) or emergency releases from the treatment facility (see **"Emergency Discharge"**). If a bypass results in a release of wastewater, it shall be sampled and reported as either a sanitary sewer overflow from the collection system or an emergency discharge from the treatment facility.

"Chronic Toxicity" occurs when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit, is significantly less (at the 95 percent confidence level) than that observed for the control specimens.

"Composite Samples" shall be flow proportioned. The composite sample shall contain at least four samples collected over the compositing period. Unless otherwise specified, the time

between the collection of the first sample and the last sample shall not be less than six hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

4. Continuous collection of sample, with sample collection rate proportional to flow rate.

"Daily Maximum (Daily Max.)" is the maximum value allowable in any single sample or instantaneous measurement.

"DMR" means Discharge Monitoring Report, EPA Form 3320-1, or a report filed electronically by an EPA-approved electronic system, which is used to report sampling data.

An **"Emergency Discharge"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls. An emergency discharge is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to reaching the treatment or containment system. An emergency discharge must meet the conditions of Section 3.2.1.

"EPA" or **"US EPA"** means United States Environmental Protection Agency.

A **"Grab Sample**,**"** for monitoring requirements, is a single "dip and take" sample collected at a representative point in the discharge stream.

IC25 (Inhibition Concentration) is a point estimate of the toxicant concentration that would cause a 25% reduction in a nonlethal biological measurement of the test organism, such as reproduction or growth.

An **"Industrial User"** is a non-domestic source of pollutants discharged into a publicly owned treatment works.

An **"Instantaneous Measurement**,**"** for monitoring requirements, is a single reading, observation, or measurement either taken at the facility or within 15 minutes of the sample.

"MGD" is the measure of flow rate meaning million gallons per day.

NOEC (No Observed Effect Concentration) is the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organism at a specific time of observation. Determined using hypothesis testing.

"pH" is the measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.

"PTI" means Preliminary Toxicity Investigation. Up to a 30-day period where the permittee investigates the cause(s) of a whole effluent toxicity exceedance and if the toxicity is known, includes a proposal for its elimination.

A **"Publicly-Owned Treatment Works"** or **"POTW"** is any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature that is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

A **"Sanitary Sewer Overflow"** or **"SSO"** is the intentional or unintentional discharge of untreated sewage from the sanitary sewer collection system, including sewer lines, manholes, lift stations, etc.

"SDDENR" means the South Dakota Department of Environment and Natural Resources.

"Secretary" means the Secretary of the South Dakota Department of Environment and Natural Resources, or authorized representative.

"Severe Property Damage" is substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage Sludge" is any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes but is not limited to solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings, or ash generated during the incineration of sewage sludge.

A **"Significant Industrial User"** is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following:

1. Is subject to Categorical Pretreatment Standards under ARSD Chapter 74:52:10 (a.b.r. 40 CFR 403.6 and 40 CFR chapter I, subchapter N);

2. Discharge an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (excluding sanitary, non-contact cooling water, and boiler blowdown wastewater);

3. Contributes a process wastewater that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works; or,

4. Is designated as such by the Secretary on the basis that the Industrial User has a reasonable potential for adversely affecting the publicly owned treatment works or for violating any pretreatment standard or requirement.

"TSS" means Total Suspended Solids. TSS is a measure of the filterable solids present in a sample.

An **"Unauthorized release"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls that does not meet all permit conditions or effluent limits. An unauthorized release is distinguished from an emergency discharge in that a permittee must document the discharge meets the conditions of Section 3.2.1. to be considered an emergency discharge.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2.0 PERMIT COVERAGE

2.1 Permit Transfers

1. Coverage under this permit may be transferred to a new permittee if:

    a. The signatory authority notifies the Secretary at least 30 days in advance of the proposed transfer date;

    b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

    c. The new permittee submits a Certification of Applicant form certifying the new permittee is qualified to perform the obligations of a permit holder in accordance with South Dakota Codified Law 1-40-27.

2. The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the permit based on the information received and other permit information.

2.2 Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limits (and compliance schedules, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving waters applicable to this permit are modified in such a manner as to require different effluent limits than contained in this permit;

2. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted that calls for different effluent limits than contained in this permit;

3. Effluent Guidelines: Effluent limit guidelines are promulgated or revised for point sources covered by this permit;

4. Total Maximum Daily Load: Additional controls in the permit are necessary to implement a total maximum daily load approved by the Secretary and/or EPA;

5. Noncompliance: The discharger is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of the permit;

6. Whole Effluent Toxicity: Whole effluent toxicity is detected in the discharge;

7. Pretreatment Program: The permittee is required to develop and implement a pretreatment program, regulating indirect discharges of wastewater into its publicly owned treatment works; or

8. Other Changes: Other conditions or standards change so that the discharge no longer qualifies for this permit, such as the permittee being designated as a major discharger, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items.

2.3 Toxicity Limit-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limits, a new or different compliance schedule, a change in the whole effluent protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:

1. Toxicity was detected late in the life of the permit near or past the deadline for compliance.

2. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.

3. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.

4. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically.

5. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

2.4 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain coverage under a new permit. The permit application must be submitted at least 180 days before the expiration date of this permit. Periodically during the term of this permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit.

2.5 Continuation of the Expired Permit

An expired permit continues in full force and effect until a new permit is issued. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must submit an application at least 180 days before the expiration date of the permit.

2.6 Property Rights

1. The Secretary's issuance of this permit, adoption of design criteria, and approval of plans and specifications, does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties.

2. The State does not warrant that the permittee's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severably liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, that may result from actions taken under the permit.

2.7 Permit Actions

The Secretary may modify, revoke and reissue, or terminate coverage under this permit for cause, including failure to comply with any provision of this permit or any condition imposed by the Secretary upon granting coverage under this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

2.8 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under this permit is a violation of the South Dakota Water Pollution Control Act and could subject the person(s) responsible for such discharge to penalties under Section 34A-2-75 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from the permittee first learning of an unauthorized discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

Outfall Number	Description of Discharge Points
001N	Any discharge from the wastewater treatment plant (Latitude 43.420047°, Longitude −103.461835°). **No discharge shall occur from Outfall 001.**
002N	Any discharge from the first emergency discharge location of the effluent pipe to the wastewater storage basins (Latitude 43.412169º, Longitude −103.446507). **No discharge shall occur from Outfall 002.**
003N	Any discharge from the second emergency discharge location of the effluent pipe to the wastewater storage basins (Latitude 43.404696º, Longitude −103.436145º). **No discharge shall occur from Outfall 003.**
004N	Any discharge from the southwest corner of the lower wastewater storage basin (Latitude 43.395000º, Longitude −103.393526º). **No discharge shall occur from Outfall 004.**
005R	Land application of wastewater from the upper basin to the flood irrigation system and the flood irrigation site (Latitude 43.392777°, Longitude -103.396671º, map interpolation). **Land application of wastewater is not considered a discharge.**
005N	Any discharge of wastewater from the upper basin to the flood irrigation system and the flood irrigation site (Latitude 43.392777°, Longitude -103.396671º, map interpolation). **No discharge shall occur from Outfall 005.**
006R	Land application of wastewater from the lower basin to either land application system and the sprinkler land application site (Latitude 43.380742°, Longitude -103.368604°, map interpolation). **Land application of wastewater is not considered a discharge.**

006N Any discharge of wastewater from the lower basin to either land application system and the sprinkler land application site (Latitude 43.380742°, Longitude -103.368604°, map interpolation). **No discharge shall occur from Outfall 006.**

3.2 Emergency Discharges and Sanitary Sewer Overflows

1. Discharges of wastewater are prohibited and the Secretary may take enforcement action against a permittee, unless the discharge or sanitary sewer overflow is an emergency and meets each of the following conditions::

   a. The emergency discharge or sanitary sewer overflow was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;

   b. There were no feasible alternatives to the emergency discharge or sanitary sewer overflow, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment or proper operation and maintenance to prevent an emergency release that occurred during normal periods of equipment downtime or preventive maintenance; and,

   c. The permittee submitted notices as required under **Section 4.10 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements.**

2. If an emergency discharge, sanitary sewer overflow, or other discharge occurs or is expected to occur, the permittee shall take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

3. Any emergency discharge or sanitary sewer overflow that meets the conditions of paragraph 1 above shall be reported as soon as possible (but in no case more than 24 hours after becoming aware of the circumstances) in accordance with the provisions in **Section 4.10 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements**. The report shall be made to the Secretary at (605) 773-3351 during regular business hours (8:00 a.m. – 5:00 p.m. Central Time) or to the South Dakota Emergency Management at (605) 773-3231 any other time.

3.3 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and treatment and control systems that are installed or used by the permittee to achieve compliance with the conditions of this permit or other conditions required by the Secretary upon issuance.

1. This may include the maintenance of freeboard levels of lagoons or holding ponds.

2. Proper operation and maintenance may also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3.4 Effluent Limits – *Outfalls 001N, 002N, 003N, 004N, 005N, 006N*

Effective immediately and lasting through the life of this permit, there shall be **no discharge** from Outfalls 001N, 002N, 003N, 004N, 005N, or 006N except in accordance with the emergency release, upset, or sanitary sewer overflow provisions of this permit. If an emergency release, upset, sanitary sewer overflow, or other discharge occurs or is expected to occur, the permittee shall report the occurrence in accordance with **Section 4.10 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements** and take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

3.5 Effluent Limits – *Outfalls 005R and 006R*

Effective immediately and lasting throughout the life of this permit, the permittee shall have **no discharge** from the land application system and **no discharge** of land applied waters to waters of the state, except in accordance with the emergency release provisions of the permit. **The act of land applying treated wastewater is not considered a discharge.**

1. The application rate at the land application site shall be controlled so as to prevent any surface runoff of the effluent.

2. To prevent ground saturation and runoff, no application is permitted during periods of heavy or prolonged rainfall, snow cover or when the ground is frozen. **No land application shall take place between November 1 and March 31, unless prior approval is granted by SDDENR.**

3. The land application equipment shall, to the extent feasible, be installed in such a manner as to minimize wind drift of the effluent and formation of aerosols.

4. Appropriate warning signs shall be posted on the land application site to inform the public of the nature of the water.

5. By **April 1, 2013, t**he permittee shall update and submit a land application best management plan for approval to SDDENR. The land application best management plan shall be based on *South Dakota Recommended Design Criteria Manual for Wastewater Collection and Treatment Facilities.* Once approved, the land application best management plan becomes an enforceable part of the permit.

3.6 Inspection Requirements

The permittee shall inspect its wastewater treatment facility, outfall structures, land application sites and equipment, and lift stations regularly as outlined below. The inspections shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility and lift stations. The permittee shall maintain a notebook recording information obtained during the inspection.

1. **Facility Inspections.** The permittee shall inspect the facility at least **five times per week**. During a discharge, the permittee shall inspect the facility on at least a **daily** basis. At a minimum, the notebook shall include the following:

    a. Date and time of the inspection;

    b. Name of the inspector(s);

    c. The facility's discharge status;

    d. Identification of operational problems and/or maintenance problems;

    e. Recommendations, as appropriate, to remedy identified problems;

    f. A brief description of any actions taken with regard to problems identified; and,

    g. Other information, as appropriate.

2. **Land Application Inspections.** The outfall locations on the effluent line to the land application storage basins, the storage basins, storage tank, and land application sites shall be inspected on a **monthly** basis. Land application equipment and land application sites shall be inspected at least **weekly** while land application is occurring. The inspection shall be conducted to determine that the land application system is operating correctly and to ensure that no runoff is occurring as a result of land application of treated wastewater. At a minimum, the notebook shall include the following:

    a. Date and time of the inspection;

    b. Name of the inspector(s);

    c. The facility's land application status, including any runoff from the application site or discharge from the piping equipment;

    d. The measured amount of freeboard in each storage basin;

    e. Identification of operational problems and/or maintenance problems;

    f. Recommendations, as appropriate, to remedy identified problems;

    g. A brief description of any actions taken with regard to problems identified; and,

h. Other information, as appropriate.

3. **Lift Station Inspections.** The permittee shall inspect the lift station on at least a **weekly** basis. The inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken and verify no sanitary sewer overflows are occurring or have occurred. During any sanitary overflow, the lift station shall be inspected on a **daily** basis. At a minimum, the notebook shall include the following for each lift station:

   a. Date and time of the inspection;

   b. Name of the inspector(s);

   c. Whether a sanitary sewer overflow is occurring or has occurred;

   d. Identification of operational problems and/or maintenance problems;

   e. Cleaning of screenings, if applicable;

   f. Testing of alarms, if applicable;

   g. Hour meter readings;

   h. Recommendations, as appropriate, to remedy identified problems;

   i. A brief description of any actions taken with regard to problems identified; and,

   j. Other information, as appropriate.

4. The permittee shall maintain the notebook(s) for the facility, land application sites, and each lift station in accordance with proper record-keeping procedures and shall make the notebook(s) available for inspection, upon request, by the Secretary or the US EPA.

3.7 Best Management Practices Plan – Land Application

By April 1, 2013, the city shall submit to SDDENR for review and approval an updated Best Management Practices plan for land application. The department shall be kept informed of the land application sites and the proposed time frame of use, and shall be notified at least 30 days in advance of any changes. The plan must be updated to include all site changes and address nutrient application rates.

3.8 Capacity, Management, Operation, and Maintenance

In the event that the Secretary notifies the permittee of the need to develop a capacity, management, operation, and maintenance program in order to address, reduce, or eliminate the frequency of sanitary sewer overflows or emergency discharges, the permittee shall develop and submit the program to the Secretary. The program shall, at a minimum, address the following areas:

1. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;

2. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;

3. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and

4. Sewer system capacity evaluation: The capacity evaluation includes the following:

    a. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);

    b. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);

    c. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and

    d. Sewer rehabilitation recommendations.

5. Timelines: This program shall identify timelines and specific dates for completing any identified changes or improvements.

6. SDDENR Approval: The permittee shall submit the program to SDDENR for approval. Upon approval, the permittee shall implement the program.

4.0 MONITORING, RECORD KEEPING, & REPORTING REQUIREMENTS

4.1 Whole Effluent Toxicity Testing – Acute Toxicity

Effective immediately, the permittee shall, at least once each calendar quarter in which **a discharge is occurring**, conduct acute static renewal toxicity tests on a sample of the discharge. If a single, continuous discharge occurs in two (2) calendar quarters and has a duration less than or equal to 90 days, only one WET test is required for that discharge. Quarterly samples shall be collected on a two day progression, i.e., if the first quarterly sample is on a Monday, during the next quarter, sampling shall be on a Wednesday, etc.

The static renewal toxicity test shall be conducted in accordance with the procedure set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," Fifth Edition, October 2002 (EPA-821-R-02-012). The permittee shall conduct an acute 48-hour static renewal toxicity test using *Ceriodaphnia dubia* and an acute 96-hour static renewal toxicity test using *Pimephales promelas* (fathead minnows).

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control survival is achieved.

If acute toxicity occurs where the source of the toxicity is **known** (e.g. a temporary plant upset), the permittee shall initiate a PTI. The permittee shall also conduct an additional test within 14 days of the date of when the permittee learned of the failed test. If only one species fails, retesting may be limited to this species. If the additional test does not exceed WET permit limits, then the permittee may return to their regular testing frequency. If the additional test exceeds WET permit limits, then the permittee must include a work plan with a time table to eliminate the toxicity in the PTI and submit to SDDENR for approval within 14 days after the PTI period.

If acute toxicity occurs where the source of the toxicity is **unknown**, the permittee shall initiate a PTI. The permittee shall also begin accelerated testing that consists of 10 WET tests conducted at 4-week intervals over a 10-month period. The first accelerated test shall begin within 14 days of the date of when the permittee learned of the failed test. If only one species fails, retesting may be limited to this species. If none of the additional tests exceed WET permit limits, then the permittee may return to their regular testing frequency. If any of the accelerated tests exceed WET permit limits, a formal TIE/TRE shall be initiated.

WET test data results shall be summarized on the latest revision of the "Region 8 Acute/Chronic Toxicity Test Report Format" form and shall be submitted along with the completed Emergency Release Reporting Form for the period during which the whole effluent toxicity test was run. The complete lab data packet does not need to be submitted with the DMR unless requested by SDDENR.

4.2 Toxicity Identification Evaluation (TIE)/Toxicity Reduction Evaluation (TRE)

If the PTI could not determine the cause of the WET failures, any accelerated test exceeded WET permit limits, or the department notifies the permittee to initiate a TIE/TRE study, then a TIE/TRE study shall be undertaken by the permittee to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for the toxicity. Failure to initiate, or conduct an adequate TIE/TRE study, or delays in the conduct of such tests, shall not be considered a justification for noncompliance with the whole effluent toxicity limits. A TIE/TRE plan shall be submitted to the permitting authority within 45 days after the effective date listed in the written notification letter from the department to begin the formal TIE/TRE study.

4.3 Chronic Toxicity Limit-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include chronic whole effluent toxicity limits if any other information or data are developed indicating that chronic whole effluent toxicity limits are needed. Also see **Section 2.3** of this permit for additional whole effluent toxicity reopener provisions.

If acceptable to the permit issuing authority, and if in compliance with current regulations, this permit may be reopened and modified to incorporate TRE conclusion relating to additional numerical limits, a modified compliance schedule, and or modified whole effluent protocol.

4.4 Emergency, SSO, Upsets, and Unauthorized Release Self-Monitoring Requirements

Promptly upon discovery of a discharge from Outfalls 001N, 002N, 003N, or 004N, runoff from the land application sites (Outfalls 005N or 006N), emergency discharge, upsets, or sanitary sewer overflow, the discharge shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Knowingly discharging or failing to report a discharge within a reasonable time of when the permittee first learning of a discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act. The permittee shall report the monitoring results in accordance with **Section 4.10 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements.**

Effluent Characteristic	Frequency	Reporting Value	Sample Type [1]
Total Flow, million gallons	Each Discharge [2]	Event Total	Calculated
Duration of Discharge, days	Each Discharge [2]	Event Total	Calculated
Flow Rate, gallons per day	Daily [3]	Actual Value	Instantaneous
pH, standard units	Daily [3]	Actual Value	Instantaneous [4,5]
Water Temperature, °C	Daily [3]	Actual Value	Instantaneous [4,6]

Effluent Characteristic	Frequency	Reporting Value	Sample Type [1]
Total Suspended Solids (TSS), mg/L	Daily [3]	Actual Value	Grab
Five-Day Biochemical Oxygen Demand (BOD_5), mg/L	Daily [3]	Actual Value	Grab
Ammonia as N, mg/L	Daily [3]	Actual Value	Grab [4]
Escherichia coli (*E. coli)*, no./l00 mL	Daily [3]	Actual Value	Grab
Oil and Grease (presence/absence)	Daily [3]	Actual Value	Visual
Oil and Grease (hexane ext. method), mg/L	Contingent [7]	Actual Value	Grab
Acute Whole Effluent Toxicity, TUa	Quarterly [8]	Pass/ Fail; Actual Value	Grab

[1] See Definitions.

[2] The permittee shall report the date and time of the start and termination of each discharge, along with the total number of gallons discharged during the entire discharge event.

[3] The permittee shall take a minimum of one sample per day during any emergency release, bypass, sanitary sewer overflow, or other discharge unless SDDENR authorizes an alternative sampling schedule.

[4] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[5] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[6] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[7] The presence or absence of an oil sheen shall be visually monitored. In the event that an oil sheen or floating oil is observed during discharge, grab samples shall be taken immediately, analyzed and reported.

[8] The permittee shall, at least once each calendar quarter in which a discharge is occurring, conduct an acute WET test on a sample of the discharge. If a single, continuous discharge occurs in two (2) calendar quarters and has a duration less than or equal to 90 days, only one WET test is required for that discharge. An acute WET test shall not be required for quarters in which a discharge is not occurring or for sanitary sewer overflows.

4.5 Land Application Self-Monitoring – Outfall 005R and Outfall 006R

All land application of wastewater shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Monitoring is only required during months when land application is occurring. The permittee shall report the land application monitoring results in accordance with **Section 4.9**– **Reporting of Monitoring Results.**

Effluent Characteristic	Frequency	Reporting Values[1]	Sample Type[1]
Flow Rate of Land Application, MGD	Weekly	Daily Maximum; 30-Day Average	Instantaneous
Total Amount Land Applied (Total Flow), million gallons	Monthly	Monthly Total	Calculate
pH, standard units	Monthly[2]	Daily Minimum; Daily Maximum	Instantaneous[3,4]
Water Temperature, ^{o}C	Monthly[2]	Daily Maximum; 30-Day Average	Instantaneous[3,5]
Fecal Coliform, no./l00 mL[6]	Monthly[2]	Daily Maximum; 30-Day Geometric Mean	Grab
Sodium Absorption Ratio (SAR)[7]	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Conductivity, µmhos/cm	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Total Kjeldahl Nitrogen, mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Ammonia-Nitrogen (as N), mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Total Nitrates (as N), mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Total Nitrites (as N), mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Total Sulfates, mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Total Chlorides, mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab
Total Phosphorous (as P), mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab

Effluent Characteristic	Frequency	Reporting Values[1]	Sample Type[1]
Total Dissolved Solids (TDS), mg/L	Monthly[2]	Daily Maximum; 30-Day Average	Grab

[1] See Definitions.

[2] A minimum of one sample per month shall be taken for the duration of land application activities. Samples shall be taken from the irrigation wetwell and shall be representative of the land applied water. The permittee always has the option of collecting additional samples if appropriate.

[3] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[4] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[5] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[6] For fecal coliform, if a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. Additional samples are to be collected during any other separate 24-hour periods. If less than five samples are taken during any calendar month, the maximum limit still applies.

[7] The sodium absorption ratio is calculated using the Gapon equation: $SAR = \frac{Na}{\sqrt{\frac{(Ca + Mg)}{2}}}$

4.6 Annual Influent Metals Monitoring

The permittee shall sample the influent wastewater for the following parameters at least once per year. The results of these analyses shall be attached to, and reported along with the Discharge Monitoring Report (DMR) submitted for that reporting period.

Influent Characteristic	Frequency	Sample Type[1]
Antimony, total (µg/L)	Annually	4 Grab Samples
Arsenic, total (µg/L)	Annually	4 Grab Samples
Beryllium, total (µg/L)	Annually	4 Grab Samples
Cadmium, total (µg/L)	Annually	4 Grab Samples
Chromium, total (µg/L)	Annually	4 Grab Samples
Copper, total (µg/L)	Annually	4 Grab Samples
Cyanide, total (µg/L)	Annually	4 Grab Samples
Cyanide, weak acid dissociable (µg/L)	Annually	4 Grab Samples
Lead, total (µg/L)	Annually	4 Grab Samples
Mercury, total (µg/L)	Annually	4 Grab Samples
Molybdenum, total (µg/L)	Annually	4 Grab Samples
Nickel, total (µg/L)	Annually	4 Grab Samples
Phenols, total (µg/L)	Annually	4 Grab Samples
Selenium, total (µg/L)	Annually	4 Grab Samples
Silver, total (µg/L)	Annually	4 Grab Samples
Thallium, total (µg/L)	Annually	4 Grab Samples
Zinc, total (µg/L)	Annually	4 Grab Samples

[1] The permittee shall collect a minimum of four (4) grab samples taken at equal intervals over a representative 24-hour period and have each grab sample analyzed for the indicated parameter.

4.7 Monitoring Procedures

1. Influent samples taken in compliance with the monitoring requirements established under this permit shall be representative of the volume and nature of the influent flow into the wastewater treatment facility.

2. Effluent samples taken in compliance with the monitoring requirements established under this permit shall be collected prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

3. Monitoring shall be conducted according to test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR, Part 136), unless other test procedures have been specified in this permit or approved by the Secretary.

4.8 Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit at the designated points, using test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR 136) or as specified in this permit, the results of this monitoring shall be used in determining compliance with this permit and reported to SDDENR.

4.9 Reporting of Monitoring Results

1. Monitoring results of any release from Outfalls 001N, 002N, 003N, 004N, 005N, 006N, emergency discharge, sanitary sewer overflows, upsets, unauthorized releases, shall be reported on a photocopy of the Emergency, SSO, Upset, or Unauthorized Release Reporting Form located in **Appendix A** of this permit, submitted no later than the **28th** day of the month following the discharge. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.13 – Signatory Requirements** and submitted to the Secretary at the following address:

   South Dakota Department of Environment and Natural Resources
   Surface Water Quality Program
   PMB 2020
   523 East Capitol
   Pierre, South Dakota 57501-3182

2. Land Application monitoring results obtained from Outfall 005R and Outfall 006R during the previous month shall be summarized for each month, reported on separate Discharge Monitoring Report Forms (as defined in **Section 1.0 – Definitions)**, and submitted to SDDENR no later than the **28th** day of the month following the reporting period. If no land application occurs during the reporting period, "Not Required[1]"shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.13 – Signatory Requirements**.

3. The influent monitoring results obtained during the yearly reporting period shall be summarized and reported on a separate DMR form and submitted to SDDENR on a **yearly** basis. These reports must be submitted no later than the 28th day of

the month following the completed reporting period. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.13 – Signatory Requirements**.

4. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDENR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

---

[1] In the electronic reporting system, "Not Required" is reported as "NODI 9".

4.10 Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements

1. The permittee shall report any emergency related to this permit or permitted facility that may endanger health or the environment as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

   b. Outside of normal business hours, the permittee shall contact the South Dakota Emergency Management at (605) 773-3231.

2. Sanitary sewer overflows, emergency discharges, upsets, and other unauthorized releases that do not meet the conditions of Paragraph 1 above shall be reported to the Secretary within 24 hours from the time the permittee becomes aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

   b. Outside of normal business hours, the permittee shall leave a message at 1-800-GET-DENR (1-800-438-3367).

3. Anticipated releases shall be reported to the Secretary in advance, if possible.

4. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the emergency discharge.

   a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the discharge, the downstream beneficial uses (such as drinking water or recreation), and the potential for public contact.

   b. If required by the Secretary, the permittee shall notify the public and/or downstream users as soon as possible, but in no case more than 24 hours after the discharge begins.

5. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the sanitary sewer overflow, emergency discharge, or other unauthorized release to the Secretary using the Emergency, SSO, Upset, or Unauthorized Release Reporting Form in Appendix A.

   a. Legible copies of all reports required herein, shall be signed and certified in accordance with **Section 4.13 – Signatory Requirements**.

   b. The written submission shall contain:

      i. A description of the event and its cause;
      ii. The period of the event, including exact dates and times;
      iii. Where the wastewater was discharged;
      iv. The estimated time the event is expected to continue if it has not been corrected;
      v. Any adverse effects, such as fish kills;
      vi. If public notification was required, describe how the public was notified of the discharge; and
      vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.

   c. The written report shall be submitted by the 28th day of the following month to the address stated in **Section 4.9 – Reporting of Monitoring Results**. The Secretary may require a written report to be submitted sooner or may require additional information if the discharge has the potential to impact human health or the environment.

4.11 Bypass Reporting

1. The permittee may allow anticipated bypasses to occur that do not result in a discharge and will not result in a violation of the effluent limits, but only if for essential maintenance to ensure efficient operation.

2. The permittee shall submit notice of bypass as follows:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Secretary at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the secretary at (605) 773-3351 by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.

4.12 Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The initials or names of the individuals who performed the sampling or measurements;

3. The dates analyses were performed;

4. The time analyses were initiated;

5. The initials or names of individuals who performed the analyses;

6. References and written procedures, when available, for the analytical techniques or methods used; and,

7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4.13 Signatory Requirements

1. All permit applications, reports or information submitted to the Secretary shall be signed and certified by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described in paragraph 1 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Secretary; and,

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.

3. If an authorization under paragraph 2 a. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.

4. Any person signing a document under this section shall make the following certification:

> *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

4.14 Retention of Records

1. The permittee shall retain records of all monitoring information and other data required by this permit. This includes:

   a. Data collected on site;

   b. Copies of all Discharge Monitoring Report Forms;

   c. A copy of the permit;

   d. All calibration and maintenance records;

   e. All original strip chart recordings for continuous monitoring instrumentation;

   f. Copies of all other reports required by this permit; and

   g. Records of all data used to complete the application for this permit.

2. This information must be retained for a period of at least **three years** from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this permit must be maintained on site during the duration of the permitted activity.

4.15 Availability of Reports

Except for data determined to be confidential under ARSD Section 74:52:02:17, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of SDDENR. The name and address of the permittee, permit applications, notices of intent, permits, and effluent data shall not be considered confidential.

4.16 Duty to Provide Information

1. The permittee shall furnish to the Secretary, within a reasonable time, any information the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

2. If the permittee becomes aware that it failed to submit any relevant facts in a permit application form, or submitted incorrect information in a permit application form or any report to the Secretary, it shall promptly submit such facts or information.

4.17 Planned Changes

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged, or could result in noncompliance with permit conditions. This notification also applies to pollutants that are not subject to effluent limits or other notification requirements in this permit.

5.0 COMPLIANCE REQUIREMENTS

5.1 Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application (a violation of a condition of this permit is subject to SDCL Section 34A-2-75).

5.2 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any wastewater discharge and/or sludge disposal or reuse in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

5.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limits).

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. The permittee submitted notice of the upset as required under **Section 4.10 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements**; and,

   d. The permittee complied with mitigation measures required under **Section 5.2 – Duty to Mitigate.**

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5.5 Penalties for Violations of Permit Conditions

Any person who violates a permit condition is in violation of the provisions of SDCL 34A-2-36, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence

authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state. Except as provided in **Section 5.4 – Upset Conditions**, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

5.6 Penalties for Falsification of Reports

1. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

2. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

3. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state.

5.7 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude SDDENR from taking any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to that the permittee is or may be subject under section 311 of the Federal Clean Water Act.

6.0 INDUSTRIAL WASTES

6.1 Significant Industrial Users

Each significant industrial user must be identified as to qualitative and quantitative characteristics of the discharge as well as production data.

6.2 Prohibited Pollutants

Pretreatment Standards [ARSD 74:52:11:01, a.b.r. 40 CFR 403.5] developed pursuant to Section 307 of the Federal Clean Water Act require that under no circumstances shall the permittee allow the introduction of the following pollutants to the waste treatment system from any source of nondomestic discharge:

1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in ARSD 74:28:22:01, a.b.r. 40 CFR 261.21;

2. Pollutants, which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and,

9. Any pollutant which causes pass through or interference.

6.3 Categorical Standards

In addition to the general limits expressed above, more specific pretreatment limits have been promulgated for specific industrial categories under Section 307 of the Act (see ARSD, Chapter 74:52:10, a.b.r. 40 CFR Subchapter N, Parts 405 through 471, for specific information).

6.4 Notification Requirements

1. The permittee shall provide adequate notice to the Secretary of:
   a. Any new introduction of pollutants by new or existing significant industrial users or any substantial change in pollutants from any significant industrial user;
   b. Any new introduction of pollutants into the treatment works from an industrial user which would be subject to Sections 301 or 306 of the Federal Clean Water Act if it were directly discharging those pollutants to waters of the state; and
   c. Any substantial change in the volume or character of pollutants being introduced into the treatment works by an industrial user introducing pollutants into the treatment works at the time of application of the SWD permit.
2. For the purposes of this section, adequate notice shall include information on:
   a. The quality and quantity of effluent to be introduced into such treatment works; and
   b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
3. Such notice must be forwarded to the Secretary no later than sixty (60) days following the introduction or change

6.5 Pretreatment Standards

At such time as a specific pretreatment limit becomes applicable to an industrial user of the permittee, the permit issuing authority may, as appropriate, do the following:

1. Amend the permittee's SWD discharge permit to specify the additional pollutant(s) and corresponding effluent limit(s) consistent with the applicable national pretreatment limit;
2. Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount that may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the General Pretreatment Regulations at [ARSD 74:52:11:01, a.b.r. 40 CFR 403]; and/or,
3. Require the permittee to monitor its discharge for any pollutant which may likely be discharged from the permittee's facility, should the industrial user fail to properly pretreat its waste.

6.6 Legal Action

The permit issuing authority retains, at all times, the right to take legal action against the industrial user and/or the treatment works, in those cases where a SWD permit violation has occurred because of the failure of an industrial user to discharge at an acceptable level.

7.0 ADDITIONAL PERMIT CONDITIONS

7.1 Inspection and Entry

The permittee shall allow the Secretary or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

7.2 Removed Substances

1. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard in accordance with applicable requirements of SDCL 34A-2, -6, and -11.

2. Sludge disposal shall be done in accordance with the permittee's Biosolids Management Permit (SDL022918).

APPENDIX A

Emergency, SSO, Upset, or Unauthorized Release Reporting Form

EMERGENCY, SSO, UPSET, OR UNAUTHORIZED RELEASE REPORTING FORM

This form is to be used to summarize the reporting requirements for any emergency discharge, sanitary sewer overflow, upsets, or unauthorized discharge from the permitted facility.

Facility Contact:		**Phone:**	

Description of Event *(Attach additional sheets if necessary)*

Please check the boxes below, as appropriate, to indicate the type and applicable outfall for the release being reported (See* Definitions *for an explanation of each term).

☐ **Emergency Discharge** ☐ **Sanitary Sewer Overflow** ☐ **Unauthorized Release** ☐ **Upset**	☐ **Outfall 001N** ☐ **Outfall 002N** ☐ **Outfall 003N** ☐ **Outfall 004N** ☐ **Outfall 005N** ☐ **Outfall 006N**

Date and Time the discharge began or was discovered:	
Date and Time the discharge was stopped:	

Describe the events resulting in the discharge and its cause(s):

Where did the event occur and where was the wastewater released to:

Describe the steps taken or planned to reduce, eliminate, and prevent reoccurrence:

Time and Date 24-Hour Notice of Noncompliance given to SDDENR:	
Duration of discharge (include dates and times):	
Total flow, million gallons:	
Describe any adverse effects, such as fish kills, etc.:	

ANALYTICAL RESULTS

Parameter	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7
Date and time of sample							
Flow Rate, million gallons per day							
pH, standard units							
Water Temperature, °C							
Escherichia Coli, no./l00 mL							
Ammonia as N, mg/L							
Total Suspended Solids (TSS), mg/L							
Five-Day Biochemical Oxygen Demand (BOD_5), mg/L							
Oil and Grease, visual							
Oil and Grease (hexane ext. method), mg/L							
Acute Whole Effluent Toxicity, pass/fail							
Acute Whole Effluent Toxicity, TUa							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print): _____ Title: _____

Signature: _____ Date: _____